



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB2523

Introduced 2/18/2015, by Rep. Elizabeth Hernandez

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Requires the revised School Improvement Plan for a Chicago public school that is initially placed on academic watch status after a fourth annual calculation or that remains on academic watch status after a fifth annual calculation to be approved by the school's local school council even if on probation. Provides that a charter school operating within the City of Chicago shall be administered by a local school council. Provides that a local school council shall be established for each attendance center within the Chicago school district. Provides that in each attendance center enrolling students in 7th or 8th grade, one full-time student member shall be appointed to the local school council, although no attendance center shall have more than one student member. Requires a supermajority of 8 votes by the local school council to veto any action proposed or approved regarding certain schools placed on probation and intervention actions. Provides that the Chicago Board of Education shall provide \$2,500 annually to each local school council for the purposes of training and to procure reasonable and necessary office equipment and supplies as each local school council sees fit. Creates the LSC Certification Commission to provide fundamental training to members of local school councils and to certify each member. Makes changes concerning training for local school council members. Provides that the LSC Certification Commission may request and, upon such request, the Board shall budget and distribute such funds as are equal to the total allocations for the certification of local school council members in the immediately prior year. Makes changes concerning certain limitations upon applicability. Makes other changes. Effective immediately.

LRB099 07791 NHT 27925 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections  
5 2-3.25d, 27A-5, 34-2.1, 34-2.2, 34-2.3, 34-2.3b, 34-2.4b,  
6 34-8.3, and 34-8.4 as follows:

7 (105 ILCS 5/2-3.25d) (from Ch. 122, par. 2-3.25d)

8 Sec. 2-3.25d. Academic early warning and watch status.

9 (a) Beginning with the 2005-2006 school year, unless the  
10 federal government formally disapproves of such policy through  
11 the submission and review process for the Illinois  
12 Accountability Workbook, those schools that do not meet  
13 adequate yearly progress criteria for 2 consecutive annual  
14 calculations in the same subject or in their participation  
15 rate, attendance rate, or graduation rate shall be placed on  
16 academic early warning status for the next school year. Schools  
17 on academic early warning status that do not meet adequate  
18 yearly progress criteria for a third annual calculation in the  
19 same subject or in their participation rate, attendance rate,  
20 or graduation rate shall remain on academic early warning  
21 status. Schools on academic early warning status that do not  
22 meet adequate yearly progress criteria for a fourth annual  
23 calculation in the same subject or in their participation rate,

1 attendance rate, or graduation rate shall be placed on initial  
2 academic watch status. Schools on academic watch status that do  
3 not meet adequate yearly progress criteria for a fifth or  
4 subsequent annual calculation in the same subject or in their  
5 participation rate, attendance rate, or graduation rate shall  
6 remain on academic watch status. Schools on academic early  
7 warning or academic watch status that meet adequate yearly  
8 progress criteria for 2 consecutive calculations shall be  
9 considered as having met expectations and shall be removed from  
10 any status designation.

11 The school district of a school placed on either academic  
12 early warning status or academic watch status may appeal the  
13 status to the State Board of Education in accordance with  
14 Section 2-3.25m of this Code.

15 A school district that has one or more schools on academic  
16 early warning or academic watch status shall prepare a revised  
17 School Improvement Plan or amendments thereto setting forth the  
18 district's expectations for removing each school from academic  
19 early warning or academic watch status and for improving  
20 student performance in the affected school or schools.  
21 Districts operating under Article 34 of this Code may prepare  
22 the School Improvement Plan required under Section 34-2.4 of  
23 this Code.

24 The revised School Improvement Plan for a school that is  
25 initially placed on academic early warning status or that  
26 remains on academic early warning status after a third annual

1 calculation must be approved by the school board (and by the  
2 school's local school council in a district operating under  
3 Article 34 of this Code, unless the school is on probation  
4 pursuant to subsection (c) of Section 34-8.3 of this Code).

5 The revised School Improvement Plan for a school that is  
6 initially placed on academic watch status after a fourth annual  
7 calculation must be approved by the school board (and by the  
8 school's local school council in a district operating under  
9 Article 34 of this Code, ~~unless the school is on probation~~  
10 ~~pursuant to subsection (c) of Section 34-8.3 of this Code).~~

11 The revised School Improvement Plan for a school that  
12 remains on academic watch status after a fifth annual  
13 calculation must be approved by the school board (and by the  
14 school's local school council in a district operating under  
15 Article 34 of this Code, ~~unless the school is on probation~~  
16 ~~pursuant to subsection (c) of Section 34-8.3 of this Code).~~ In  
17 addition, the district must develop a school restructuring plan  
18 for the school that must be approved by the school board (and  
19 by the school's local school council in a district operating  
20 under Article 34 of this Code).

21 A school on academic watch status that does not meet  
22 adequate yearly progress criteria for a sixth annual  
23 calculation shall implement its approved school restructuring  
24 plan beginning with the next school year, subject to the State  
25 interventions specified in Sections 2-3.25f and 2-3.25f-5 of  
26 this Code.

1 (b) Beginning with the 2005-2006 school year, unless the  
2 federal government formally disapproves of such policy through  
3 the submission and review process for the Illinois  
4 Accountability Workbook, those school districts that do not  
5 meet adequate yearly progress criteria for 2 consecutive annual  
6 calculations in the same subject or in their participation  
7 rate, attendance rate, or graduation rate shall be placed on  
8 academic early warning status for the next school year.  
9 Districts on academic early warning status that do not meet  
10 adequate yearly progress criteria for a third annual  
11 calculation in the same subject or in their participation rate,  
12 attendance rate, or graduation rate shall remain on academic  
13 early warning status. Districts on academic early warning  
14 status that do not meet adequate yearly progress criteria for a  
15 fourth annual calculation in the same subject or in their  
16 participation rate, attendance rate, or graduation rate shall  
17 be placed on initial academic watch status. Districts on  
18 academic watch status that do not meet adequate yearly progress  
19 criteria for a fifth or subsequent annual calculation in the  
20 same subject or in their participation rate, attendance rate,  
21 or graduation rate shall remain on academic watch status.  
22 Districts on academic early warning or academic watch status  
23 that meet adequate yearly progress criteria for one annual  
24 calculation shall be considered as having met expectations and  
25 shall be removed from any status designation.

26 A district placed on either academic early warning status

1 or academic watch status may appeal the status to the State  
2 Board of Education in accordance with Section 2-3.25m of this  
3 Code.

4 Districts on academic early warning or academic watch  
5 status shall prepare a District Improvement Plan or amendments  
6 thereto setting forth the district's expectations for removing  
7 the district from academic early warning or academic watch  
8 status and for improving student performance in the district.

9 All District Improvement Plans must be approved by the  
10 school board.

11 (c) All revised School and District Improvement Plans shall  
12 be developed in collaboration with parents, staff in the  
13 affected school or school district, and outside experts. All  
14 revised School and District Improvement Plans shall be  
15 developed, submitted, and monitored pursuant to rules adopted  
16 by the State Board of Education. The revised Improvement Plan  
17 shall address measurable outcomes for improving student  
18 performance so that such performance meets adequate yearly  
19 progress criteria as specified by the State Board of Education.  
20 All school districts required to revise a School Improvement  
21 Plan in accordance with this Section shall establish a peer  
22 review process for the evaluation of School Improvement Plans.

23 (d) All federal requirements apply to schools and school  
24 districts utilizing federal funds under Title I, Part A of the  
25 federal Elementary and Secondary Education Act of 1965.

26 (e) The State Board of Education, from any moneys it may

1 have available for this purpose, must implement and administer  
2 a grant program that provides 2-year grants to school districts  
3 on the academic watch list and other school districts that have  
4 the lowest achieving students, as determined by the State Board  
5 of Education, to be used to improve student achievement. In  
6 order to receive a grant under this program, a school district  
7 must establish an accountability program. The accountability  
8 program must involve the use of statewide testing standards and  
9 local evaluation measures. A grant shall be automatically  
10 renewed when achievement goals are met. The Board may adopt any  
11 rules necessary to implement and administer this grant program.  
12 (Source: P.A. 98-1155, eff. 1-9-15.)

13 (105 ILCS 5/27A-5)

14 Sec. 27A-5. Charter school; legal entity; requirements.

15 (a) A charter school shall be a public, nonsectarian,  
16 nonreligious, non-home based, and non-profit school. A charter  
17 school shall be organized and operated as a nonprofit  
18 corporation or other discrete, legal, nonprofit entity  
19 authorized under the laws of the State of Illinois.

20 (b) A charter school may be established under this Article  
21 by creating a new school or by converting an existing public  
22 school or attendance center to charter school status. Beginning  
23 on the effective date of this amendatory Act of the 93rd  
24 General Assembly, in all new applications to establish a  
25 charter school in a city having a population exceeding 500,000,

1 operation of the charter school shall be limited to one campus.  
2 The changes made to this Section by this amendatory Act of the  
3 93rd General Assembly do not apply to charter schools existing  
4 or approved on or before the effective date of this amendatory  
5 Act.

6 (b-5) In this subsection (b-5), "virtual-schooling" means  
7 a cyber school where students engage in online curriculum and  
8 instruction via the Internet and electronic communication with  
9 their teachers at remote locations and with students  
10 participating at different times.

11 From April 1, 2013 through December 31, 2016, there is a  
12 moratorium on the establishment of charter schools with  
13 virtual-schooling components in school districts other than a  
14 school district organized under Article 34 of this Code. This  
15 moratorium does not apply to a charter school with  
16 virtual-schooling components existing or approved prior to  
17 April 1, 2013 or to the renewal of the charter of a charter  
18 school with virtual-schooling components already approved  
19 prior to April 1, 2013.

20 On or before March 1, 2014, the Commission shall submit to  
21 the General Assembly a report on the effect of  
22 virtual-schooling, including without limitation the effect on  
23 student performance, the costs associated with  
24 virtual-schooling, and issues with oversight. The report shall  
25 include policy recommendations for virtual-schooling.

26 (c) A charter school shall be administered and governed by

1 its board of directors or other governing body in the manner  
2 provided in its charter. The governing body of a charter school  
3 shall be subject to the Freedom of Information Act and the Open  
4 Meetings Act. Any charter school operating within a school  
5 district organized under Article 34 of this Code shall be  
6 administered by a local school council established pursuant to  
7 Section 34-2.1 of this Code, with all the normal and usual  
8 powers afforded to a local school council operating in a public  
9 school.

10 (d) A charter school shall comply with all applicable  
11 health and safety requirements applicable to public schools  
12 under the laws of the State of Illinois.

13 (e) Except as otherwise provided in the School Code, a  
14 charter school shall not charge tuition; provided that a  
15 charter school may charge reasonable fees for textbooks,  
16 instructional materials, and student activities.

17 (f) A charter school shall be responsible for the  
18 management and operation of its fiscal affairs including, but  
19 not limited to, the preparation of its budget. An audit of each  
20 charter school's finances shall be conducted annually by an  
21 outside, independent contractor retained by the charter  
22 school. To ensure financial accountability for the use of  
23 public funds, on or before December 1 of every year of  
24 operation, each charter school shall submit to its authorizer  
25 and the State Board a copy of its audit and a copy of the Form  
26 990 the charter school filed that year with the federal

1 Internal Revenue Service. In addition, if deemed necessary for  
2 proper financial oversight of the charter school, an authorizer  
3 may require quarterly financial statements from each charter  
4 school.

5 (g) A charter school shall comply with all provisions of  
6 this Article; the Illinois Educational Labor Relations Act; all  
7 federal and State laws and rules applicable to public schools  
8 that pertain to special education and the instruction of  
9 English language learners, referred to in this Code as  
10 "children of limited English-speaking ability"; and its  
11 charter. A charter school is exempt from all other State laws  
12 and regulations in this Code governing public schools and local  
13 school board policies, except the following:

14 (1) Sections 10-21.9 and 34-18.5 of this Code regarding  
15 criminal history records checks and checks of the Statewide  
16 Sex Offender Database and Statewide Murderer and Violent  
17 Offender Against Youth Database of applicants for  
18 employment;

19 (2) Sections 24-24 and 34-84A of this Code regarding  
20 discipline of students;

21 (3) the Local Governmental and Governmental Employees  
22 Tort Immunity Act;

23 (4) Section 108.75 of the General Not For Profit  
24 Corporation Act of 1986 regarding indemnification of  
25 officers, directors, employees, and agents;

26 (5) the Abused and Neglected Child Reporting Act;

- 1 (6) the Illinois School Student Records Act;
- 2 (7) Section 10-17a of this Code regarding school report
- 3 cards;
- 4 (8) the P-20 Longitudinal Education Data System Act;
- 5 ~~and~~
- 6 (9) Section 27-23.7 of this Code regarding bullying
- 7 prevention; ~~and-~~
- 8 (10) ~~(9)~~ Section 2-3.162 ~~2-3.160~~ of this ~~the School~~
- 9 Code regarding student discipline reporting.

10 The change made by Public Act 96-104 to this subsection (g)

11 is declaratory of existing law.

12 (h) A charter school may negotiate and contract with a

13 school district, the governing body of a State college or

14 university or public community college, or any other public or

15 for-profit or nonprofit private entity for: (i) the use of a

16 school building and grounds or any other real property or

17 facilities that the charter school desires to use or convert

18 for use as a charter school site, (ii) the operation and

19 maintenance thereof, and (iii) the provision of any service,

20 activity, or undertaking that the charter school is required to

21 perform in order to carry out the terms of its charter.

22 However, a charter school that is established on or after the

23 effective date of this amendatory Act of the 93rd General

24 Assembly and that operates in a city having a population

25 exceeding 500,000 may not contract with a for-profit entity to

26 manage or operate the school during the period that commences

1 on the effective date of this amendatory Act of the 93rd  
2 General Assembly and concludes at the end of the 2004-2005  
3 school year. Except as provided in subsection (i) of this  
4 Section, a school district may charge a charter school  
5 reasonable rent for the use of the district's buildings,  
6 grounds, and facilities. Any services for which a charter  
7 school contracts with a school district shall be provided by  
8 the district at cost. Any services for which a charter school  
9 contracts with a local school board or with the governing body  
10 of a State college or university or public community college  
11 shall be provided by the public entity at cost.

12 (i) In no event shall a charter school that is established  
13 by converting an existing school or attendance center to  
14 charter school status be required to pay rent for space that is  
15 deemed available, as negotiated and provided in the charter  
16 agreement, in school district facilities. However, all other  
17 costs for the operation and maintenance of school district  
18 facilities that are used by the charter school shall be subject  
19 to negotiation between the charter school and the local school  
20 board and shall be set forth in the charter.

21 (j) A charter school may limit student enrollment by age or  
22 grade level.

23 (k) If the charter school is approved by the Commission,  
24 then the Commission charter school is its own local education  
25 agency.

26 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;

1 97-813, eff. 7-13-12; 98-16, eff. 5-24-13; 98-639, eff. 6-9-14;  
2 98-669, eff. 6-26-14; 98-739, eff. 7-16-14; 98-783, eff.  
3 1-1-15; 98-1059, eff. 8-26-14; 98-1102, eff. 8-26-14; revised  
4 10-14-14.)

5 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

6 Sec. 34-2.1. Local School Councils - Composition -  
7 Voter-Eligibility - Elections - Terms.

8 (a) Notwithstanding any other provision of law, a local  
9 school council shall be established for each attendance center  
10 within the school district, except for private schools. Each  
11 local school council shall consist of the following 12 voting  
12 members: the principal of the attendance center, 2 teachers  
13 employed and assigned to perform the majority of their  
14 employment duties at the attendance center, 6 parents of  
15 students currently enrolled at the attendance center, one  
16 employee of the school district employed and assigned to  
17 perform the majority of his or her employment duties at the  
18 attendance center who is not a teacher, and 2 community  
19 residents. Neither the parents nor the community residents who  
20 serve as members of the local school council shall be employees  
21 of the Board of Education. In addition, in each attendance  
22 center enrolling students in 7th or 8th grade, one full-time  
23 student member shall be appointed as provided in subsection (m)  
24 of this Section. In each secondary attendance center, the local  
25 school council shall consist of 13 voting members -- the 12

1 voting members described above and one full-time student  
2 member, appointed as provided in subsection (m) below. In the  
3 event that the chief executive officer of the Chicago School  
4 Reform Board of Trustees determines that a local school council  
5 is not carrying out its financial duties effectively, the chief  
6 executive officer is authorized to appoint a representative of  
7 the business community with experience in finance and  
8 management to serve as an advisor to the local school council  
9 for the purpose of providing advice and assistance to the local  
10 school council on fiscal matters. The advisor shall have access  
11 to relevant financial records of the local school council. The  
12 advisor may attend executive sessions. The chief executive  
13 officer shall issue a written policy defining the circumstances  
14 under which a local school council is not carrying out its  
15 financial duties effectively.

16 (b) Within 7 days of January 11, 1991, the Mayor shall  
17 appoint the members and officers (a Chairperson who shall be a  
18 parent member and a Secretary) of each local school council who  
19 shall hold their offices until their successors shall be  
20 elected and qualified. Members so appointed shall have all the  
21 powers and duties of local school councils as set forth in this  
22 amendatory Act of 1991. The Mayor's appointments shall not  
23 require approval by the City Council.

24 The membership of each local school council shall be  
25 encouraged to be reflective of the racial and ethnic  
26 composition of the student population of the attendance center

1 served by the local school council.

2 (c) Beginning with the 1995-1996 school year and in every  
3 even-numbered year thereafter, the Board shall set second  
4 semester Parent Report Card Pick-up Day for Local School  
5 Council elections and may schedule elections at year-round  
6 schools for the same dates as the remainder of the school  
7 system. Elections shall be conducted as provided herein by the  
8 Board of Education in consultation with the local school  
9 council at each attendance center.

10 (d) Beginning with the 1995-96 school year, the following  
11 procedures shall apply to the election of local school council  
12 members at each attendance center:

13 (i) The elected members of each local school council  
14 shall consist of the 6 parent members and the 2 community  
15 resident members.

16 (ii) Each elected member shall be elected by the  
17 eligible voters of that attendance center to serve for a  
18 two-year term commencing on July 1 immediately following  
19 the election described in subsection (c). Eligible voters  
20 for each attendance center shall consist of the parents and  
21 community residents for that attendance center.

22 (iii) Each eligible voter shall be entitled to cast one  
23 vote for up to a total of 5 candidates, irrespective of  
24 whether such candidates are parent or community resident  
25 candidates.

26 (iv) Each parent voter shall be entitled to vote in the

1 local school council election at each attendance center in  
2 which he or she has a child currently enrolled. Each  
3 community resident voter shall be entitled to vote in the  
4 local school council election at each attendance center for  
5 which he or she resides in the applicable attendance area  
6 or voting district, as the case may be.

7 (v) Each eligible voter shall be entitled to vote once,  
8 but not more than once, in the local school council  
9 election at each attendance center at which the voter is  
10 eligible to vote.

11 (vi) The 2 teacher members and the non-teacher employee  
12 member of each local school council shall be appointed as  
13 provided in subsection (l) below each to serve for a  
14 two-year term coinciding with that of the elected parent  
15 and community resident members.

16 (vii) At secondary attendance centers and attendance  
17 centers enrolling students in 7th or 8th grade, the voting  
18 student member shall be appointed as provided in subsection  
19 (m) below to serve for a one-year term coinciding with the  
20 beginning of the terms of the elected parent and community  
21 members of the local school council.

22 (e) The Council shall publicize the date and place of the  
23 election by posting notices at the attendance center, in public  
24 places within the attendance boundaries of the attendance  
25 center and by distributing notices to the pupils at the  
26 attendance center, and shall utilize such other means as it

1 deems necessary to maximize the involvement of all eligible  
2 voters.

3 (f) Nomination. The Council shall publicize the opening of  
4 nominations by posting notices at the attendance center, in  
5 public places within the attendance boundaries of the  
6 attendance center and by distributing notices to the pupils at  
7 the attendance center, and shall utilize such other means as it  
8 deems necessary to maximize the involvement of all eligible  
9 voters. Not less than 2 weeks before the election date, persons  
10 eligible to run for the Council shall submit their name, date  
11 of birth, social security number, if available, and some  
12 evidence of eligibility to the Council. The Council shall  
13 encourage nomination of candidates reflecting the  
14 racial/ethnic population of the students at the attendance  
15 center. Each person nominated who runs as a candidate shall  
16 disclose, in a manner determined by the Board, any economic  
17 interest held by such person, by such person's spouse or  
18 children, or by each business entity in which such person has  
19 an ownership interest, in any contract with the Board, any  
20 local school council or any public school in the school  
21 district. Each person nominated who runs as a candidate shall  
22 also disclose, in a manner determined by the Board, if he or  
23 she ever has been convicted of any of the offenses specified in  
24 subsection (c) of Section 34-18.5; provided that neither this  
25 provision nor any other provision of this Section shall be  
26 deemed to require the disclosure of any information that is

1 contained in any law enforcement record or juvenile court  
2 record that is confidential or whose accessibility or  
3 disclosure is restricted or prohibited under Section 5-901 or  
4 5-905 of the Juvenile Court Act of 1987. Failure to make such  
5 disclosure shall render a person ineligible for election or to  
6 serve on the local school council. The same disclosure shall be  
7 required of persons under consideration for appointment to the  
8 Council pursuant to subsections (l) and (m) of this Section.

9 (f-5) Notwithstanding disclosure, a person who has been  
10 convicted of any of the following offenses at any time shall be  
11 ineligible for election or appointment to a local school  
12 council and ineligible for appointment to a local school  
13 council pursuant to subsections (l) and (m) of this Section:

14 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,  
15 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,  
16 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,  
17 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of  
18 Section 11-14.3, of the Criminal Code of 1961 or the Criminal  
19 Code of 2012, or (ii) any offense committed or attempted in any  
20 other state or against the laws of the United States, which, if  
21 committed or attempted in this State, would have been  
22 punishable as one or more of the foregoing offenses.

23 Notwithstanding disclosure, a person who has been convicted of  
24 any of the following offenses within the 10 years previous to  
25 the date of nomination or appointment shall be ineligible for  
26 election or appointment to a local school council: (i) those

1 defined in Section 401.1, 405.1, or 405.2 of the Illinois  
2 Controlled Substances Act or (ii) any offense committed or  
3 attempted in any other state or against the laws of the United  
4 States, which, if committed or attempted in this State, would  
5 have been punishable as one or more of the foregoing offenses.

6 Immediately upon election or appointment, incoming local  
7 school council members shall be required to undergo a criminal  
8 background investigation, to be completed prior to the member  
9 taking office, in order to identify any criminal convictions  
10 under the offenses enumerated in Section 34-18.5. The  
11 investigation shall be conducted by the Department of State  
12 Police in the same manner as provided for in Section 34-18.5.  
13 However, notwithstanding Section 34-18.5, the social security  
14 number shall be provided only if available. If it is determined  
15 at any time that a local school council member or member-elect  
16 has been convicted of any of the offenses enumerated in this  
17 Section or failed to disclose a conviction of any of the  
18 offenses enumerated in Section 34-18.5, the general  
19 superintendent shall notify the local school council member or  
20 member-elect of such determination and the local school council  
21 member or member-elect shall be removed from the local school  
22 council by the Board, subject to a hearing, convened pursuant  
23 to Board rule, prior to removal.

24 (g) At least one week before the election date, the Council  
25 shall publicize, in the manner provided in subsection (e), the  
26 names of persons nominated for election.

1 (h) Voting shall be in person by secret ballot at the  
2 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

3 (i) Candidates receiving the highest number of votes shall  
4 be declared elected by the Council. In cases of a tie, the  
5 Council shall determine the winner by lot.

6 (j) The Council shall certify the results of the election  
7 and shall publish the results in the minutes of the Council.

8 (k) The general superintendent shall resolve any disputes  
9 concerning election procedure or results and shall ensure that,  
10 except as provided in subsections (e) and (g), no resources of  
11 any attendance center shall be used to endorse or promote any  
12 candidate.

13 (l) Beginning with the 1995-1996 school year and in every  
14 even numbered year thereafter, the Board shall appoint 2  
15 teacher members to each local school council. These  
16 appointments shall be made in the following manner:

17 (i) The Board shall appoint 2 teachers who are employed  
18 and assigned to perform the majority of their employment  
19 duties at the attendance center to serve on the local  
20 school council of the attendance center for a two-year term  
21 coinciding with the terms of the elected parent and  
22 community members of that local school council. These  
23 appointments shall be made from among those teachers who  
24 are nominated in accordance with subsection (f).

25 (ii) A non-binding, advisory poll to ascertain the  
26 preferences of the school staff regarding appointments of

1 teachers to the local school council for that attendance  
2 center shall be conducted in accordance with the procedures  
3 used to elect parent and community Council  
4 representatives. At such poll, each member of the school  
5 staff shall be entitled to indicate his or her preference  
6 for up to 2 candidates from among those who submitted  
7 statements of candidacy as described above. These  
8 preferences shall be advisory only and the Board shall  
9 maintain absolute discretion to appoint teacher members to  
10 local school councils, irrespective of the preferences  
11 expressed in any such poll.

12 (iii) In the event that a teacher representative is  
13 unable to perform his or her employment duties at the  
14 school due to illness, disability, leave of absence,  
15 disciplinary action, or any other reason, the Board shall  
16 declare a temporary vacancy and appoint a replacement  
17 teacher representative to serve on the local school council  
18 until such time as the teacher member originally appointed  
19 pursuant to this subsection (1) resumes service at the  
20 attendance center or for the remainder of the term. The  
21 replacement teacher representative shall be appointed in  
22 the same manner and by the same procedures as teacher  
23 representatives are appointed in subdivisions (i) and (ii)  
24 of this subsection (1).

25 (m) ~~In Beginning with the 1995-1996 school year, and in~~  
26 every school year ~~thereafter~~, the Board shall appoint one

1 student member to each secondary attendance center and  
2 attendance center enrolling students in 7th or 8th grade,  
3 although no attendance center shall have more than one student  
4 member. These appointments shall be made in the following  
5 manner:

6 (i) Appointments shall be made from among those  
7 students who submit statements of candidacy to the  
8 principal of the attendance center, such statements to be  
9 submitted commencing on the first day of the twentieth week  
10 of school and continuing for 2 weeks thereafter. The form  
11 and manner of such candidacy statements shall be determined  
12 by the Board.

13 (ii) During the twenty-second week of school in every  
14 year, the principal of each attendance center shall conduct  
15 a non-binding, advisory poll to ascertain the preferences  
16 of the school students regarding the appointment of a  
17 student to the local school council for that attendance  
18 center. At such poll, each student shall be entitled to  
19 indicate his or her preference for up to one candidate from  
20 among those who submitted statements of candidacy as  
21 described above. The Board shall promulgate rules to ensure  
22 that these non-binding, advisory polls are conducted in a  
23 fair and equitable manner and maximize the involvement of  
24 all school students. The preferences expressed in these  
25 non-binding, advisory polls shall be transmitted by the  
26 principal to the Board. However, these preferences shall be

1 advisory only and the Board shall maintain absolute  
2 discretion to appoint student members to local school  
3 councils, irrespective of the preferences expressed in any  
4 such poll.

5 (iii) For the 1995-96 school year only, appointments  
6 shall be made from among those students who submitted  
7 statements of candidacy to the principal of the attendance  
8 center during the first 2 weeks of the school year. The  
9 principal shall communicate the results of any nonbinding,  
10 advisory poll to the Board. These results shall be advisory  
11 only, and the Board shall maintain absolute discretion to  
12 appoint student members to local school councils,  
13 irrespective of the preferences expressed in any such poll.

14 (n) The Board may promulgate such other rules and  
15 regulations for election procedures as may be deemed necessary  
16 to ensure fair elections.

17 (o) In the event that a vacancy occurs during a member's  
18 term, the Council shall appoint a person eligible to serve on  
19 the Council, to fill the unexpired term created by the vacancy,  
20 except that any teacher vacancy shall be filled by the Board  
21 after considering the preferences of the school staff as  
22 ascertained through a non-binding advisory poll of school  
23 staff.

24 (p) If less than the specified number of persons is elected  
25 within each candidate category, the newly elected local school  
26 council shall appoint eligible persons to serve as members of

1 the Council for two-year terms.

2 (q) The Board shall promulgate rules regarding conflicts of  
3 interest and disclosure of economic interests which shall apply  
4 to local school council members and which shall require reports  
5 or statements to be filed by Council members at regular  
6 intervals with the Secretary of the Board. Failure to comply  
7 with such rules or intentionally falsifying such reports shall  
8 be grounds for disqualification from local school council  
9 membership. A vacancy on the Council for disqualification may  
10 be so declared by the Secretary of the Board. Rules regarding  
11 conflicts of interest and disclosure of economic interests  
12 promulgated by the Board shall apply to local school council  
13 members. No less than 45 days prior to the deadline, the  
14 general superintendent shall provide notice, by mail, to each  
15 local school council member of all requirements and forms for  
16 compliance with economic interest statements.

17 (r) (1) If a parent member of a local school council ceases  
18 to have any child enrolled in the attendance center governed by  
19 the Local School Council due to the graduation or voluntary  
20 transfer of a child or children from the attendance center, the  
21 parent's membership on the Local School Council and all voting  
22 rights are terminated immediately as of the date of the child's  
23 graduation or voluntary transfer. If the child of a parent  
24 member of a local school council dies during the member's term  
25 in office, the member may continue to serve on the local school  
26 council for the balance of his or her term. Further, a local

1 school council member may be removed from the Council by a  
2 majority vote of the Council as provided in subsection (c) of  
3 Section 34-2.2 if the Council member has missed 3 consecutive  
4 regular meetings, not including committee meetings, or 5  
5 regular meetings in a 12 month period, not including committee  
6 meetings. If a parent member of a local school council ceases  
7 to be eligible to serve on the Council for any other reason, he  
8 or she shall be removed by the Board subject to a hearing,  
9 convened pursuant to Board rule, prior to removal. A vote to  
10 remove a Council member by the local school council shall only  
11 be valid if the Council member has been notified personally or  
12 by certified mail, mailed to the person's last known address,  
13 of the Council's intent to vote on the Council member's removal  
14 at least 7 days prior to the vote. The Council member in  
15 question shall have the right to explain his or her actions and  
16 shall be eligible to vote on the question of his or her removal  
17 from the Council. The provisions of this subsection shall be  
18 contained within the petitions used to nominate Council  
19 candidates.

20 (2) A person may continue to serve as a community resident  
21 member of a local school council as long as he or she resides  
22 in the attendance area served by the school and is not employed  
23 by the Board nor is a parent of a student enrolled at the  
24 school. If a community resident member ceases to be eligible to  
25 serve on the Council, he or she shall be removed by the Board  
26 subject to a hearing, convened pursuant to Board rule, prior to

1 removal.

2 (3) A person may continue to serve as a teacher member of a  
3 local school council as long as he or she is employed and  
4 assigned to perform a majority of his or her duties at the  
5 school, provided that if the teacher representative resigns  
6 from employment with the Board or voluntarily transfers to  
7 another school, the teacher's membership on the local school  
8 council and all voting rights are terminated immediately as of  
9 the date of the teacher's resignation or upon the date of the  
10 teacher's voluntary transfer to another school. If a teacher  
11 member of a local school council ceases to be eligible to serve  
12 on a local school council for any other reason, that member  
13 shall be removed by the Board subject to a hearing, convened  
14 pursuant to Board rule, prior to removal.

15 (Source: P.A. 96-1412, eff. 1-1-11; 96-1551, eff. 7-1-11;  
16 97-1150, eff. 1-25-13.)

17 (105 ILCS 5/34-2.2) (from Ch. 122, par. 34-2.2)

18 Sec. 34-2.2. Local school councils - Manner of operation.

19 (a) The annual organizational meeting of each local school  
20 council shall be held at the attendance center. At the annual  
21 organization meeting, which shall be held no sooner than July 1  
22 and no later than July 14, a parent member of the local school  
23 council shall be selected by the members of such council as its  
24 chairperson, and a secretary shall be selected by the members  
25 of such council from among their number, each to serve a term

1 of one year. Whenever a vacancy in the office of chairperson or  
2 secretary of a local school council shall occur, a new  
3 chairperson (who shall be a parent member) or secretary, as the  
4 case may be, shall be elected by the members of the local  
5 school council from among their number to serve as such  
6 chairperson or secretary for the unexpired term of office in  
7 which the vacancy occurs. At each annual organizational  
8 meeting, the time and place of any regular meetings of the  
9 local school council shall be fixed. Special meetings of the  
10 local school council may be called by the chairperson or by any  
11 4 members by giving notice thereof in writing, specifying the  
12 time, place and purpose of the meeting. Public notice of  
13 meetings shall also be given in accordance with the Open  
14 Meetings Act.

15 (b) Members and officers of the local school council shall  
16 serve without compensation and without reimbursement of any  
17 expenses incurred in the performance of their duties, except  
18 that the board of education may by rule establish a procedure  
19 and thereunder provide for reimbursement of members and  
20 officers of local school councils for such of their reasonable  
21 and necessary expenses (excluding any lodging or meal expenses)  
22 incurred in the performance of their duties as the board may  
23 deem appropriate.

24 (c) A majority of the full membership of the local school  
25 council shall constitute a quorum, and whenever a vote is taken  
26 on any measure before the local school council, a quorum being

1 present, the affirmative vote of a majority of the votes of the  
2 full membership then serving of the local school council shall  
3 determine the outcome thereof; provided that whenever the  
4 measure before the local school council is (i) the evaluation  
5 of the principal, or (ii) the renewal of his or her performance  
6 contract or the inclusion of any provision or modification of  
7 the contract, or (iii) the direct selection by the local school  
8 council of a new principal (including a new principal to fill a  
9 vacancy) to serve under a 4 year performance contract, or (iv)  
10 the determination of the names of candidates to be submitted to  
11 the general superintendent for the position of principal, the  
12 principal and student member ~~of a high school council~~ shall not  
13 be counted for purposes of determining whether a quorum is  
14 present to act on the measure and shall have no vote thereon;  
15 and provided further that 7 affirmative votes of the local  
16 school council shall be required for the direct selection by  
17 the local school council of a new principal to serve under a 4  
18 year performance contract but not for the renewal of a  
19 principal's performance contract. A supermajority of 8 votes is  
20 required to veto any action proposed or approved pursuant to  
21 subsection (d) of Section 34-8.3 of this Code or any action  
22 proposed or approved under Section 34-8.4 of this Code.

23 (d) Student members ~~of high school councils~~ shall not be  
24 eligible to vote on personnel matters, including but not  
25 limited to principal evaluations and contracts and the  
26 allocation of teaching and staff resources.

1           (e) The local school council of an attendance center which  
2 provides bilingual education shall be encouraged to provide  
3 translators at each council meeting to maximize participation  
4 of parents and the community.

5           (f) Each local school council of an attendance center which  
6 provides bilingual education shall create a Bilingual Advisory  
7 Committee or recognize an existing Bilingual Advisory  
8 Committee as a standing committee. The Chair and a majority of  
9 the members of the advisory committee shall be parents of  
10 students in the bilingual education program. The parents on the  
11 advisory committee shall be selected by parents of students in  
12 the bilingual education program, and the committee shall select  
13 a Chair. The advisory committee for each secondary attendance  
14 center shall include at least one full-time bilingual education  
15 student. The Bilingual Advisory Committee shall serve only in  
16 an advisory capacity to the local school council.

17           (g) Local school councils may utilize the services of an  
18 arbitration board to resolve intra-council disputes.

19           (Source: P.A. 91-622, eff. 8-19-99.)

20           (105 ILCS 5/34-2.3) (from Ch. 122, par. 34-2.3)

21           Sec. 34-2.3. Local school councils - Powers and duties.  
22 Each local school council shall have and exercise, consistent  
23 with the provisions of this Article and the powers and duties  
24 of the board of education, the following powers and duties:

25           1. (A) To annually evaluate the performance of the

1 principal of the attendance center using a Board approved  
2 principal evaluation form, which shall include the evaluation  
3 of (i) student academic improvement, as defined by the school  
4 improvement plan, (ii) student absenteeism rates at the school,  
5 (iii) instructional leadership, (iv) the effective  
6 implementation of programs, policies, or strategies to improve  
7 student academic achievement, (v) school management, and (vi)  
8 any other factors deemed relevant by the local school council,  
9 including, without limitation, the principal's communication  
10 skills and ability to create and maintain a student-centered  
11 learning environment, to develop opportunities for  
12 professional development, and to encourage parental  
13 involvement and community partnerships to achieve school  
14 improvement;

15 (B) to determine in the manner provided by subsection (c)  
16 of Section 34-2.2 and subdivision 1.5 of this Section whether  
17 the performance contract of the principal shall be renewed; and

18 (C) to directly select, in the manner provided by  
19 subsection (c) of Section 34-2.2, a new principal (including a  
20 new principal to fill a vacancy) -- without submitting any list  
21 of candidates for that position to the general superintendent  
22 as provided in paragraph 2 of this Section -- to serve under a  
23 4 year performance contract; provided that (i) the  
24 determination of whether the principal's performance contract  
25 is to be renewed, based upon the evaluation required by  
26 subdivision 1.5 of this Section, shall be made no later than

1 150 days prior to the expiration of the current  
2 performance-based contract of the principal, (ii) in cases  
3 where such performance contract is not renewed -- a direct  
4 selection of a new principal -- to serve under a 4 year  
5 performance contract shall be made by the local school council  
6 no later than 45 days prior to the expiration of the current  
7 performance contract of the principal, and (iii) a selection by  
8 the local school council of a new principal to fill a vacancy  
9 under a 4 year performance contract shall be made within 90  
10 days after the date such vacancy occurs. A Council shall be  
11 required, if requested by the principal, to provide in writing  
12 the reasons for the council's not renewing the principal's  
13 contract.

14 1.5. The local school council's determination of whether to  
15 renew the principal's contract shall be based on an evaluation  
16 to assess the educational and administrative progress made at  
17 the school during the principal's current performance-based  
18 contract. The local school council shall base its evaluation on  
19 (i) student academic improvement, as defined by the school  
20 improvement plan, (ii) student absenteeism rates at the school,  
21 (iii) instructional leadership, (iv) the effective  
22 implementation of programs, policies, or strategies to improve  
23 student academic achievement, (v) school management, and (vi)  
24 any other factors deemed relevant by the local school council,  
25 including, without limitation, the principal's communication  
26 skills and ability to create and maintain a student-centered

1 learning environment, to develop opportunities for  
2 professional development, and to encourage parental  
3 involvement and community partnerships to achieve school  
4 improvement. If a local school council fails to renew the  
5 performance contract of a principal rated by the general  
6 superintendent, or his or her designee, in the previous years'  
7 evaluations as meeting or exceeding expectations, the  
8 principal, within 15 days after the local school council's  
9 decision not to renew the contract, may request a review of the  
10 local school council's principal non-retention decision by a  
11 hearing officer appointed by the American Arbitration  
12 Association. A local school council member or members or the  
13 general superintendent may support the principal's request for  
14 review. During the period of the hearing officer's review of  
15 the local school council's decision on whether or not to retain  
16 the principal, the local school council shall maintain all  
17 authority to search for and contract with a person to serve as  
18 interim or acting principal, or as the principal of the  
19 attendance center under a 4-year performance contract,  
20 provided that any performance contract entered into by the  
21 local school council shall be voidable or modified in  
22 accordance with the decision of the hearing officer. The  
23 principal may request review only once while at that attendance  
24 center. If a local school council renews the contract of a  
25 principal who failed to obtain a rating of "meets" or "exceeds  
26 expectations" in the general superintendent's evaluation for

1 the previous year, the general superintendent, within 15 days  
2 after the local school council's decision to renew the  
3 contract, may request a review of the local school council's  
4 principal retention decision by a hearing officer appointed by  
5 the American Arbitration Association. The general  
6 superintendent may request a review only once for that  
7 principal at that attendance center. All requests to review the  
8 retention or non-retention of a principal shall be submitted to  
9 the general superintendent, who shall, in turn, forward such  
10 requests, within 14 days of receipt, to the American  
11 Arbitration Association. The general superintendent shall send  
12 a contemporaneous copy of the request that was forwarded to the  
13 American Arbitration Association to the principal and to each  
14 local school council member and shall inform the local school  
15 council of its rights and responsibilities under the  
16 arbitration process, including the local school council's  
17 right to representation and the manner and process by which the  
18 Board shall pay the costs of the council's representation. If  
19 the local school council retains the principal and the general  
20 superintendent requests a review of the retention decision, the  
21 local school council and the general superintendent shall be  
22 considered parties to the arbitration, a hearing officer shall  
23 be chosen between those 2 parties pursuant to procedures  
24 promulgated by the State Board of Education, and the principal  
25 may retain counsel and participate in the arbitration. If the  
26 local school council does not retain the principal and the

1 principal requests a review of the retention decision, the  
2 local school council and the principal shall be considered  
3 parties to the arbitration and a hearing officer shall be  
4 chosen between those 2 parties pursuant to procedures  
5 promulgated by the State Board of Education. The hearing shall  
6 begin (i) within 45 days after the initial request for review  
7 is submitted by the principal to the general superintendent or  
8 (ii) if the initial request for review is made by the general  
9 superintendent, within 45 days after that request is mailed to  
10 the American Arbitration Association. The hearing officer  
11 shall render a decision within 45 days after the hearing begins  
12 and within 90 days after the initial request for review. The  
13 Board shall contract with the American Arbitration Association  
14 for all of the hearing officer's reasonable and necessary  
15 costs. In addition, the Board shall pay any reasonable costs  
16 incurred by a local school council for representation before a  
17 hearing officer.

18 1.10. The hearing officer shall conduct a hearing, which  
19 shall include (i) a review of the principal's performance,  
20 evaluations, and other evidence of the principal's service at  
21 the school, (ii) reasons provided by the local school council  
22 for its decision, and (iii) documentation evidencing views of  
23 interested persons, including, without limitation, students,  
24 parents, local school council members, school faculty and  
25 staff, the principal, the general superintendent or his or her  
26 designee, and members of the community. The burden of proof in

1 establishing that the local school council's decision was  
2 arbitrary and capricious shall be on the party requesting the  
3 arbitration, and this party shall sustain the burden by a  
4 preponderance of the evidence. The hearing officer shall set  
5 the local school council decision aside if that decision, in  
6 light of the record developed at the hearing, is arbitrary and  
7 capricious. The decision of the hearing officer may not be  
8 appealed to the Board or the State Board of Education. If the  
9 hearing officer decides that the principal shall be retained,  
10 the retention period shall not exceed 2 years.

11 2. In the event (i) the local school council does not renew  
12 the performance contract of the principal, or the principal  
13 fails to receive a satisfactory rating as provided in  
14 subsection (h) of Section 34-8.3, or the principal is removed  
15 for cause during the term of his or her performance contract in  
16 the manner provided by Section 34-85, or a vacancy in the  
17 position of principal otherwise occurs prior to the expiration  
18 of the term of a principal's performance contract, and (ii) the  
19 local school council fails to directly select a new principal  
20 to serve under a 4 year performance contract, the local school  
21 council in such event shall submit to the general  
22 superintendent a list of 3 candidates -- listed in the local  
23 school council's order of preference -- for the position of  
24 principal, one of which shall be selected by the general  
25 superintendent to serve as principal of the attendance center.  
26 If the general superintendent fails or refuses to select one of

1 the candidates on the list to serve as principal within 30 days  
2 after being furnished with the candidate list, the general  
3 superintendent shall select and place a principal on an interim  
4 basis (i) for a period not to exceed one year or (ii) until the  
5 local school council selects a new principal with 7 affirmative  
6 votes as provided in subsection (c) of Section 34-2.2,  
7 whichever occurs first. If the local school council fails or  
8 refuses to select and appoint a new principal, as specified by  
9 subsection (c) of Section 34-2.2, the general superintendent  
10 may select and appoint a new principal on an interim basis for  
11 an additional year or until a new contract principal is  
12 selected by the local school council. There shall be no  
13 discrimination on the basis of race, sex, creed, color or  
14 disability unrelated to ability to perform in connection with  
15 the submission of candidates for, and the selection of a  
16 candidate to serve as principal of an attendance center. No  
17 person shall be directly selected, listed as a candidate for,  
18 or selected to serve as principal of an attendance center (i)  
19 if such person has been removed for cause from employment by  
20 the Board or (ii) if such person does not hold a valid  
21 administrative certificate issued or exchanged under Article  
22 21 and endorsed as required by that Article for the position of  
23 principal. A principal whose performance contract is not  
24 renewed as provided under subsection (c) of Section 34-2.2 may  
25 nevertheless, if otherwise qualified and certified as herein  
26 provided and if he or she has received a satisfactory rating as

1 provided in subsection (h) of Section 34-8.3, be included by a  
2 local school council as one of the 3 candidates listed in order  
3 of preference on any candidate list from which one person is to  
4 be selected to serve as principal of the attendance center  
5 under a new performance contract. The initial candidate list  
6 required to be submitted by a local school council to the  
7 general superintendent in cases where the local school council  
8 does not renew the performance contract of its principal and  
9 does not directly select a new principal to serve under a 4  
10 year performance contract shall be submitted not later than 30  
11 days prior to the expiration of the current performance  
12 contract. In cases where the local school council fails or  
13 refuses to submit the candidate list to the general  
14 superintendent no later than 30 days prior to the expiration of  
15 the incumbent principal's contract, the general superintendent  
16 may appoint a principal on an interim basis for a period not to  
17 exceed one year, during which time the local school council  
18 shall be able to select a new principal with 7 affirmative  
19 votes as provided in subsection (c) of Section 34-2.2. In cases  
20 where a principal is removed for cause or a vacancy otherwise  
21 occurs in the position of principal and the vacancy is not  
22 filled by direct selection by the local school council, the  
23 candidate list shall be submitted by the local school council  
24 to the general superintendent within 90 days after the date  
25 such removal or vacancy occurs. In cases where the local school  
26 council fails or refuses to submit the candidate list to the

1 general superintendent within 90 days after the date of the  
2 vacancy, the general superintendent may appoint a principal on  
3 an interim basis for a period of one year, during which time  
4 the local school council shall be able to select a new  
5 principal with 7 affirmative votes as provided in subsection  
6 (c) of Section 34-2.2.

7 2.5. Whenever a vacancy in the office of a principal occurs  
8 for any reason, the vacancy shall be filled in the manner  
9 provided by this Section by the selection of a new principal to  
10 serve under a 4 year performance contract.

11 3. To establish additional criteria to be included as part  
12 of the performance contract of its principal, provided that  
13 such additional criteria shall not discriminate on the basis of  
14 race, sex, creed, color or disability unrelated to ability to  
15 perform, and shall not be inconsistent with the uniform 4 year  
16 performance contract for principals developed by the board as  
17 provided in Section 34-8.1 of the School Code or with other  
18 provisions of this Article governing the authority and  
19 responsibility of principals.

20 4. To approve the expenditure plan prepared by the  
21 principal with respect to all funds allocated and distributed  
22 to the attendance center by the Board. The expenditure plan  
23 shall be administered by the principal. Notwithstanding any  
24 other provision of this Act or any other law, any expenditure  
25 plan approved and administered under this Section 34-2.3 shall  
26 be consistent with and subject to the terms of any contract for

1 services with a third party entered into by the Chicago School  
2 Reform Board of Trustees or the board under this Act.

3 Via a supermajority vote of 7 members of the local school  
4 council or 8 members of a high school local school council, the  
5 Council may transfer allocations pursuant to Section 34-2.3  
6 within funds; provided that such a transfer is consistent with  
7 applicable law and collective bargaining agreements.

8 Beginning in fiscal year 1991 and in each fiscal year  
9 thereafter, the Board may reserve up to 1% of its total fiscal  
10 year budget for distribution on a prioritized basis to schools  
11 throughout the school system in order to assure adequate  
12 programs to meet the needs of special student populations as  
13 determined by the Board. This distribution shall take into  
14 account the needs catalogued in the Systemwide Plan and the  
15 various local school improvement plans of the local school  
16 councils. Information about these centrally funded programs  
17 shall be distributed to the local school councils so that their  
18 subsequent planning and programming will account for these  
19 provisions.

20 Beginning in fiscal year 1991 and in each fiscal year  
21 thereafter, from other amounts available in the applicable  
22 fiscal year budget, the board shall allocate a lump sum amount  
23 to each local school based upon such formula as the board shall  
24 determine taking into account the special needs of the student  
25 body. The local school principal shall develop an expenditure  
26 plan in consultation with the local school council, the

1 professional personnel leadership committee and with all other  
2 school personnel, which reflects the priorities and activities  
3 as described in the school's local school improvement plan and  
4 is consistent with applicable law and collective bargaining  
5 agreements and with board policies and standards; however, the  
6 local school council shall have the right to request waivers of  
7 board policy from the board of education and waivers of  
8 employee collective bargaining agreements pursuant to Section  
9 34-8.1a.

10 The expenditure plan developed by the principal with  
11 respect to amounts available from the fund for prioritized  
12 special needs programs and the allocated lump sum amount must  
13 be approved by the local school council.

14 The lump sum allocation shall take into account the  
15 following principles:

16 a. Teachers: Each school shall be allocated funds equal  
17 to the amount appropriated in the previous school year for  
18 compensation for teachers (regular grades kindergarten  
19 through 12th grade) plus whatever increases in  
20 compensation have been negotiated contractually or through  
21 longevity as provided in the negotiated agreement.  
22 Adjustments shall be made due to layoff or reduction in  
23 force, lack of funds or work, change in subject  
24 requirements, enrollment changes, or contracts with third  
25 parties for the performance of services or to rectify any  
26 inconsistencies with system-wide allocation formulas or

1 for other legitimate reasons.

2 b. Other personnel: Funds for other teacher  
3 certificated and uncertificated personnel paid through  
4 non-categorical funds shall be provided according to  
5 system-wide formulas based on student enrollment and the  
6 special needs of the school as determined by the Board.

7 c. Non-compensation items: Appropriations for all  
8 non-compensation items shall be based on system-wide  
9 formulas based on student enrollment and on the special  
10 needs of the school or factors related to the physical  
11 plant, including but not limited to textbooks, electronic  
12 textbooks and the technological equipment necessary to  
13 gain access to and use electronic textbooks, supplies,  
14 electricity, equipment, and routine maintenance.

15 d. Funds for categorical programs: Schools shall  
16 receive personnel and funds based on, and shall use such  
17 personnel and funds in accordance with State and Federal  
18 requirements applicable to each categorical program  
19 provided to meet the special needs of the student body  
20 (including but not limited to, Federal Chapter I,  
21 Bilingual, and Special Education).

22 d.1. Funds for State Title I: Each school shall receive  
23 funds based on State and Board requirements applicable to  
24 each State Title I pupil provided to meet the special needs  
25 of the student body. Each school shall receive the  
26 proportion of funds as provided in Section 18-8 to which

1           they are entitled. These funds shall be spent only with the  
2           budgetary approval of the Local School Council as provided  
3           in Section 34-2.3.

4           e. The Local School Council shall have the right to  
5           request the principal to close positions and open new ones  
6           consistent with the provisions of the local school  
7           improvement plan provided that these decisions are  
8           consistent with applicable law and collective bargaining  
9           agreements. If a position is closed, pursuant to this  
10          paragraph, the local school shall have for its use the  
11          system-wide average compensation for the closed position.

12          f. Operating within existing laws and collective  
13          bargaining agreements, the local school council shall have  
14          the right to direct the principal to shift expenditures  
15          within funds.

16          g. (Blank).

17          Any funds unexpended at the end of the fiscal year shall be  
18          available to the board of education for use as part of its  
19          budget for the following fiscal year.

20          5. To make recommendations to the principal concerning  
21          textbook selection and concerning curriculum developed  
22          pursuant to the school improvement plan which is consistent  
23          with systemwide curriculum objectives in accordance with  
24          Sections 34-8 and 34-18 of the School Code and in conformity  
25          with the collective bargaining agreement.

26          6. To advise the principal concerning the attendance and

1 disciplinary policies for the attendance center, subject to the  
2 provisions of this Article and Article 26, and consistent with  
3 the uniform system of discipline established by the board  
4 pursuant to Section 34-19.

5 7. To approve a school improvement plan developed as  
6 provided in Section 34-2.4. The process and schedule for plan  
7 development shall be publicized to the entire school community,  
8 and the community shall be afforded the opportunity to make  
9 recommendations concerning the plan. At least twice a year the  
10 principal and local school council shall report publicly on  
11 progress and problems with respect to plan implementation.

12 8. To evaluate the allocation of teaching resources and  
13 other certificated and uncertificated staff to the attendance  
14 center to determine whether such allocation is consistent with  
15 and in furtherance of instructional objectives and school  
16 programs reflective of the school improvement plan adopted for  
17 the attendance center; and to make recommendations to the  
18 board, the general superintendent and the principal concerning  
19 any reallocation of teaching resources or other staff whenever  
20 the council determines that any such reallocation is  
21 appropriate because the qualifications of any existing staff at  
22 the attendance center do not adequately match or support  
23 instructional objectives or school programs which reflect the  
24 school improvement plan.

25 9. To make recommendations to the principal and the general  
26 superintendent concerning their respective appointments, after

1 August 31, 1989, and in the manner provided by Section 34-8 and  
2 Section 34-8.1, of persons to fill any vacant, additional or  
3 newly created positions for teachers at the attendance center  
4 or at attendance centers which include the attendance center  
5 served by the local school council.

6 10. To request of the Board the manner in which training  
7 and assistance shall be provided to the local school council.  
8 Pursuant to Board guidelines a local school council is  
9 authorized to direct the Board of Education to contract with  
10 personnel or not-for-profit organizations not associated with  
11 the school district to train or assist council members. If  
12 training or assistance is provided by contract with personnel  
13 or organizations not associated with the school district, the  
14 period of training or assistance shall not exceed 30 hours  
15 during a given school year; person shall not be employed on a  
16 continuous basis longer than said period and shall not have  
17 been employed by the Chicago Board of Education within the  
18 preceding six months. Council members shall receive training in  
19 at least the following areas:

20 1. school budgets;

21 2. educational theory pertinent to the attendance  
22 center's particular needs, including the development of  
23 the school improvement plan and the principal's  
24 performance contract; and

25 3. personnel selection.

26 Council members shall, to the greatest extent possible,

1 complete such training within 90 days of election. To assist  
2 the local school councils, the Board shall provide \$2,500  
3 annually to each local school council for the purposes of  
4 training and to procure reasonable and necessary office  
5 equipment and supplies as each local school council sees fit.

6 11. In accordance with systemwide guidelines contained in  
7 the System-Wide Educational Reform Goals and Objectives Plan,  
8 criteria for evaluation of performance shall be established for  
9 local school councils and local school council members. If a  
10 local school council persists in noncompliance with systemwide  
11 requirements, the Board may impose sanctions and take necessary  
12 corrective action, consistent with Section 34-8.3. Any such  
13 action allowed for or taken pursuant to subsection (d) of  
14 Section 34-8.3 or Section 34-8.4 of this Code may be vetoed by  
15 a supermajority of 8 of the voting members of the local school  
16 council.

17 12. Each local school council shall comply with the Open  
18 Meetings Act and the Freedom of Information Act. Each local  
19 school council shall issue and transmit to its school community  
20 a detailed annual report accounting for its activities  
21 programmatically and financially. Each local school council  
22 shall convene at least 2 well-publicized meetings annually with  
23 its entire school community. These meetings shall include  
24 presentation of the proposed local school improvement plan, of  
25 the proposed school expenditure plan, and the annual report,  
26 and shall provide an opportunity for public comment.

1           13. Each local school council is encouraged to involve  
2 additional non-voting members of the school community in  
3 facilitating the council's exercise of its responsibilities.

4           14. The local school council may adopt a school uniform or  
5 dress code policy that governs the attendance center and that  
6 is necessary to maintain the orderly process of a school  
7 function or prevent endangerment of student health or safety,  
8 consistent with the policies and rules of the Board of  
9 Education. A school uniform or dress code policy adopted by a  
10 local school council: (i) shall not be applied in such manner  
11 as to discipline or deny attendance to a transfer student or  
12 any other student for noncompliance with that policy during  
13 such period of time as is reasonably necessary to enable the  
14 student to acquire a school uniform or otherwise comply with  
15 the dress code policy that is in effect at the attendance  
16 center into which the student's enrollment is transferred; and  
17 (ii) shall include criteria and procedures under which the  
18 local school council will accommodate the needs of or otherwise  
19 provide appropriate resources to assist a student from an  
20 indigent family in complying with an applicable school uniform  
21 or dress code policy. A student whose parents or legal  
22 guardians object on religious grounds to the student's  
23 compliance with an applicable school uniform or dress code  
24 policy shall not be required to comply with that policy if the  
25 student's parents or legal guardians present to the local  
26 school council a signed statement of objection detailing the

1 grounds for the objection.

2 15. All decisions made and actions taken by the local  
3 school council in the exercise of its powers and duties shall  
4 comply with State and federal laws, all applicable collective  
5 bargaining agreements, court orders and rules properly  
6 promulgated by the Board.

7 15a. To grant, in accordance with board rules and policies,  
8 the use of assembly halls and classrooms when not otherwise  
9 needed, including lighting, heat, and attendants, for public  
10 lectures, concerts, and other educational and social  
11 activities.

12 15b. To approve, in accordance with board rules and  
13 policies, receipts and expenditures for all internal accounts  
14 of the attendance center, and to approve all fund-raising  
15 activities by nonschool organizations that use the school  
16 building.

17 16. (Blank).

18 17. Names and addresses of local school council members  
19 shall be a matter of public record.

20 (Source: P.A. 96-1403, eff. 7-29-10.)

21 (105 ILCS 5/34-2.3b)

22 Sec. 34-2.3b. Local School Council Training.

23 (a) The LSC Certification Commission, an independent  
24 commission, is established to provide fundamental training to  
25 members of local school councils and to certify each member.

1 The LSC Certification Commission shall be comprised of  
2 representatives from the district and representatives from  
3 organizations that have provided training to local school  
4 council members on and after January 23, 2014. ~~The board shall~~  
5 ~~collaborate with universities and other interested entities~~  
6 ~~and individuals to offer training to local school council~~  
7 ~~members on topics relevant to school operations and their~~  
8 ~~responsibilities as local school council members, including~~  
9 ~~but not limited to legal requirements, role differentiation,~~  
10 ~~responsibilities, and authorities, and improving student~~  
11 ~~achievement.~~

12 (b) Training of local school council members shall be  
13 provided at the direction of the LSC Certification Commission,  
14 which shall work with universities and other interested  
15 entities to develop and administer a required 3-day training  
16 program for local school council members ~~board in consultation~~  
17 ~~with the Council of Chicago area Deans of Education.~~ Incoming  
18 local school council members shall be required to complete a  
19 3-day training program provided under this Section within 6  
20 months of taking office. The LSC Certification Commission ~~board~~  
21 shall monitor the compliance of incoming local school council  
22 members with the 3-day training program requirement  
23 established by this Section.

24 (c) At the direction of the LSC Certification Commission,  
25 the ~~The~~ board shall declare vacant the office of a local school  
26 council member who fails to complete the 3-day training program

1 provided under this Section within the 6 month period allowed.  
2 Any such vacancy shall be filled as provided in subsection (o)  
3 of Section 34-2.1 by appointment of another person qualified to  
4 hold the office. ~~In addition to requiring local school council~~  
5 ~~members to complete the 3 day training program under this~~  
6 ~~Section, the board may encourage local school council members~~  
7 ~~to complete additional training during their term of office and~~  
8 ~~shall provide recognition for individuals completing that~~  
9 ~~additional training. The board is authorized to collaborate~~  
10 ~~with universities, non profits, and other interested~~  
11 ~~organizations and individuals to offer additional training to~~  
12 ~~local school council members on a regular basis during their~~  
13 ~~term in office. The board shall not be required to bear the~~  
14 ~~cost of the required 3 day training program or any additional~~  
15 ~~training provided to local school council members under this~~  
16 ~~Section.~~

17 (d) The LSC Certification Commission board shall also offer  
18 training to aid local school councils in developing principal  
19 evaluation procedures and criteria. The board shall send out  
20 requests for proposals concerning this training and is  
21 authorized to contract with universities, non-profits, and  
22 other interested organizations and individuals to provide this  
23 training. ~~The board is authorized to use funds from private~~  
24 ~~organizations, non profits, or any other outside source as well~~  
25 ~~as its own funds for this purpose.~~

26 (e) The LSC Certification Commission may request and, upon

1 such request, the board shall budget and distribute such funds  
2 as are equal to the total allocations for the certification of  
3 local school council members under this Section in the  
4 immediately prior year. Upon a majority vote of the LSC  
5 Certification Commission, that request may exceed the prior  
6 year's allocations by 2%.

7 (Source: P.A. 90-100, eff. 7-11-97; 91-622, eff. 8-19-99.)

8 (105 ILCS 5/34-2.4b) (from Ch. 122, par. 34-2.4b)

9 Sec. 34-2.4b. Limitation upon applicability. The  
10 ~~provisions of Sections 34-2.1, 34-2.2, 34-2.3, 34-2.3a, 34-2.4~~  
11 ~~and 34-8.3, and these~~ provisions of paragraph 1 of Section  
12 34-18 and paragraph (c) of Section 34A-201a relating to the  
13 allocation or application -- by formula or otherwise -- of lump  
14 sum amounts and other funds to attendance centers, shall not  
15 apply to attendance centers that have applied for and been  
16 designated as a "Small School" by the Board, the Cook County  
17 Juvenile Detention Center and Cook County Jail schools, nor to  
18 the district's alternative schools for pregnant girls, nor to  
19 alternative schools established under Article 13A, nor to a  
20 contract school, nor to the Michael R. Durso School, the  
21 Jackson Adult Center, the Hillard Adult Center, the Alternative  
22 Transitional School, or any other attendance center designated  
23 by the Board as an alternative school, provided that the  
24 designation is not applied to an attendance center that has in  
25 place a legally constituted local school council, except for

1 contract turnaround schools. ~~The board of education shall have~~  
2 ~~and exercise with respect to those schools and with respect to~~  
3 ~~the conduct, operation, affairs and budgets of those schools,~~  
4 ~~and with respect to the principals, teachers and other school~~  
5 ~~staff there employed, the same powers which are exercisable by~~  
6 ~~local school councils with respect to the other attendance~~  
7 ~~centers, principals, teachers and school staff within the~~  
8 ~~district, together with all powers and duties generally~~  
9 ~~exercisable by the board of education with respect to all~~  
10 ~~attendance centers within the district. The board of education~~  
11 ~~shall develop appropriate alternative methods for involving~~  
12 ~~parents, community members and school staff to the maximum~~  
13 ~~extent possible in all of the activities of those schools, and~~  
14 ~~may delegate to the parents, community members and school staff~~  
15 ~~so involved the same powers which are exercisable by local~~  
16 ~~school councils with respect to other attendance centers.~~

17 (Source: P.A. 96-105, eff. 7-30-09.)

18 (105 ILCS 5/34-8.3) (from Ch. 122, par. 34-8.3)

19 Sec. 34-8.3. Remediation and probation of attendance  
20 centers.

21 (a) The general superintendent shall monitor the  
22 performance of the attendance centers within the district and  
23 shall identify attendance centers, pursuant to criteria that  
24 the board shall establish, in which:

25 (1) there is a failure to develop, implement, or comply

1 with a school improvement plan;

2 (2) there is a pervasive breakdown in the educational  
3 program as indicated by factors, including, but not limited  
4 to, the absence of improvement in student reading and math  
5 achievement scores, an increased drop-out rate, a  
6 decreased graduation rate, and a decrease in rate of  
7 student attendance;

8 (3) (blank); or

9 (4) there is a failure or refusal to comply with the  
10 provisions of this Act, other applicable laws, collective  
11 bargaining agreements, court orders, or with Board rules  
12 which the Board is authorized to promulgate.

13 (b) If the general superintendent identifies a  
14 nonperforming school as described herein, he or she shall place  
15 the attendance center on remediation by developing a  
16 remediation plan for the center. The purpose of the remediation  
17 plan shall be to correct the deficiencies in the performance of  
18 the attendance center by one or more of the following methods:

19 (1) drafting a new school improvement plan;

20 (2) applying to the board for additional funding for  
21 training for the local school council;

22 (3) directing implementation of a school improvement  
23 plan;

24 (4) mediating disputes or other obstacles to reform or  
25 improvement at the attendance center.

26 Nothing in this Section removes any authority of the local

1 school council, which shall retain the right to reject or  
2 modify any school improvement plan or implementation thereof.

3 If, however, the general superintendent determines that  
4 the problems are not able to be remediated by these methods,  
5 the general superintendent shall place the attendance center on  
6 probation. The board shall establish guidelines that determine  
7 the factors for placing an attendance center on probation.

8 (c) Each school placed on probation shall have a school  
9 improvement plan and school budget for correcting deficiencies  
10 identified by the board. The plan shall include specific steps  
11 that the local school council and school staff must take to  
12 correct identified deficiencies and specific objective  
13 criteria by which the school's subsequent progress will be  
14 determined. The school budget shall include specific  
15 expenditures directly calculated to correct educational and  
16 operational deficiencies identified at the school by the  
17 probation team.

18 (d) Schools placed on probation that, after a maximum of  
19 one year, fail to make adequate progress in correcting  
20 deficiencies are subject to the following actions by the  
21 general superintendent with the approval of the board, after  
22 opportunity for a hearing:

23 (1) Ordering new local school council elections.

24 (2) Removing and replacing the principal.

25 (3) Replacement of faculty members, subject to the  
26 provisions of Section 24A-5.

1           (4) Reconstitution of the attendance center and  
2 replacement and reassignment by the general superintendent  
3 of all employees of the attendance center.

4           (5) Intervention under Section 34-8.4.

5           (5.5) Operating an attendance center as a contract  
6 turnaround school.

7           (6) Closing of the school.

8 Any action proposed or approved under this subsection (d) is  
9 subject to veto by a supermajority of 8 of the voting members  
10 of the local school council.

11           (e) Schools placed on probation shall remain on probation  
12 from year to year until deficiencies are corrected, even if  
13 such schools make acceptable annual progress. The board shall  
14 establish, in writing, criteria for determining whether or not  
15 a school shall remain on probation. Such criteria shall be  
16 delivered to each local school council on or before August 1 of  
17 each year. If academic achievement tests are used as the factor  
18 for placing a school on probation, the general superintendent  
19 shall consider objective criteria, not just an increase in test  
20 scores, in deciding whether or not a school shall remain on  
21 probation. These criteria shall include attendance, test  
22 scores, student mobility rates, poverty rates, bilingual  
23 education eligibility, special education, and English language  
24 proficiency programs, with progress made in these areas being  
25 taken into consideration in deciding whether or not a school  
26 shall remain on probation.

1 (f) Where the board has reason to believe that violations  
2 of civil rights, or of civil or criminal law have occurred, or  
3 when the general superintendent deems that the school is in  
4 educational crisis it may take immediate corrective action,  
5 including the actions specified in this Section, without first  
6 placing the school on remediation or probation. Nothing  
7 described herein shall limit the authority of the board as  
8 provided by any law of this State. The board shall develop  
9 criteria governing the determination regarding when a school is  
10 in educational crisis. Such criteria shall be delivered to each  
11 local school council on or before August 1 of each year. An  
12 action under subsection (d) of this Section is subject to veto  
13 by a supermajority of 8 of the voting members of the local  
14 school council.

15 (g) All persons serving as subdistrict superintendent on  
16 May 1, 1995 shall be deemed by operation of law to be serving  
17 under a performance contract which expires on June 30, 1995,  
18 and the employment of each such person as subdistrict  
19 superintendent shall terminate on June 30, 1995. The board  
20 shall have no obligation to compensate any such person as a  
21 subdistrict superintendent after June 30, 1995.

22 (h) The general superintendent shall, in consultation with  
23 local school councils, conduct an annual evaluation of each  
24 principal in the district pursuant to guidelines promulgated by  
25 the Board of Education.

26 (Source: P.A. 96-105, eff. 7-30-09.)

1 (105 ILCS 5/34-8.4)

2 Sec. 34-8.4. Intervention. The Chicago Schools Academic  
3 Accountability Council may recommend to the Chicago School  
4 Reform Board of Trustees that any school placed on remediation  
5 or probation under Section 34-8.3 or schools that for the 3  
6 consecutive school years of 1992-1993, 1993-1994, and  
7 1994-1995 have met the State Board of Education's category of  
8 "does not meet expectations" be made subject to intervention  
9 under this Section 34-8.4. In addition to any powers created  
10 under this Section, the Trustees shall have all powers created  
11 under Section 34-8.3 with respect to schools subjected to  
12 intervention.

13 Prior to subjecting a school to intervention, the Trustees  
14 shall conduct a public hearing and make findings of facts  
15 concerning the recommendation of the Chicago Schools Academic  
16 Accountability Council and the factors causing the failure of  
17 the school to adequately perform. The Trustees shall afford an  
18 opportunity at the hearing for interested persons to comment  
19 about the intervention recommendation. After the hearing has  
20 been held and completion of findings of fact, the Trustees  
21 shall make a determination whether to subject the school to  
22 intervention.

23 If the Trustees determine that a school shall be subject to  
24 intervention under this Section, the Trustees shall develop an  
25 intervention implementation plan and shall cause a performance

1 evaluation to be made of each employee at the school. Upon  
2 consideration of such evaluations, and consistent with the  
3 intervention implementation plan, the Trustees may reassign,  
4 layoff, or dismiss any employees at the attendance center,  
5 notwithstanding the provisions of Sections 24A-5 and 34-85.

6 The chief educational officer shall appoint a principal for  
7 the school and shall set the terms and conditions of the  
8 principal's contract, which in no case may be longer than 2  
9 years. The principal shall select all teachers and  
10 non-certified personnel for the school as may be necessary. Any  
11 provision of Section 34-8.1 that conflicts with this Section  
12 shall not apply to a school subjected to intervention under  
13 this Section.

14 If pursuant to this Section, the general superintendent,  
15 with the approval of the board, orders new local school council  
16 elections, the general superintendent shall carry out the  
17 responsibilities of the local school council for a school  
18 subject to intervention until the new local school council  
19 members are elected and trained.

20 Any action authorized by this Section may be vetoed by a  
21 supermajority of 8 of the voting members of the local school  
22 council for the attendance center affected by the action.

23 Each school year, 5% of the supplemental general State aid  
24 funds distributed to a school subject to intervention during  
25 that school year under subsection 5(i)(1)(a) of part A of  
26 Section 18-8 or subsection (H) of Section 18-8.05 shall be used

1 for employee performance incentives. The Trustees shall  
2 prepare a report evaluating the results of any interventions  
3 undertaken pursuant to this Section and shall make  
4 recommendations concerning implementation of special programs  
5 for dealing with underperforming schools on an ongoing basis.  
6 This report shall be submitted to the State Superintendent of  
7 Education and Mayor of the City of Chicago by January 1, 1999.  
8 (Source: P.A. 89-15, eff. 5-30-95; 89-698, eff. 1-14-97;  
9 90-548, eff. 1-1-98.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.

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105 ILCS 5/2-3.25d

from Ch. 122, par. 2-3.25d

4

105 ILCS 5/27A-5

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105 ILCS 5/34-2.1

from Ch. 122, par. 34-2.1

6

105 ILCS 5/34-2.2

from Ch. 122, par. 34-2.2

7

105 ILCS 5/34-2.3

from Ch. 122, par. 34-2.3

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from Ch. 122, par. 34-2.4b

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105 ILCS 5/34-8.3

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